

**DECLARATION  
AND POWER OF ATTORNEY  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TREATMENT AND DIAGNOSIS OF PROSTATE CANCER** the specification of which

(Check One)

is attached hereto OR  
 was filed on April 9, 1997 as United States Application Serial No. 08/838,682 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/016,976	May 6, 1996
60/022,125	July 18, 1996

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; F. T. Alexandra Mahaney, Reg. No. 37,668; Stephen S. Korniczky, Reg. No. 34,853; James P. Brogan, Reg. No. 35,833; David A. Randall, Reg. No. 37,217; Christopher A. Vanderlaan, Reg. No. 37,747; and

\_\_\_\_\_, Reg. No. \_\_\_\_\_.  


Send Correspondence to: Lois M. Kwasigroch	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: (213) 489-1600 Lois M. Kwasigroch, Extension 3378
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Residence, post office address, citizenship and signature of inventor(s) set forth beginning on next page.

	FULL NAME OF INVENTOR	FIRST Name Neil	MIDDLE Initial H.	LAST Name Bander
201	RESIDENCE & CITIZENSHIP	City Chappaqua	State or Foreign Country New York	Country of Citizenship U.S.A.
	POST OFFICE ADDRESS	2 Hemlock Hills	City Chappaqua	State or Country New York Zip Code 10514
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name
202	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name
203	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name
204	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name
205	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name
206	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor <i>W. Bander</i>	201
Date 7/14/99	
Signature of Inventor	202
Date	
Signature of Inventor	203
Date	

Signature of Inventor	204
Date	
Signature of Inventor	205
Date	
Signature of Inventor	206
Date	

(Signatures should conform to names as presented at 201 et seq. above.)

Docket 242/026  
Examiner's Mail  
EL199 8787US

Docket No.  
242/023

Associate Power Of Attorney Or Agent (37 CFR 1.34)  
(For Representation Related To A Patent Application)

In Re Application Of: NEIL H. BANDER

Serial No.  
08/838,682

Filing Date  
April 9, 1997

Examiner  
Yvonne Eyler

Group Art Unit  
1642

Invention: TREATMENT AND DIAGNOSIS OF PROSTATE CANCER

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

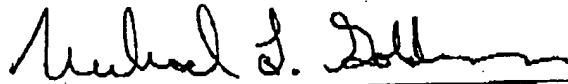
Please recognize the following as  Associate Attorney  Associate Agent in this application.

Name: Lois M. Kwasigroch

Reg. No.: 35,579

Address: Lyon & Lyon, LLP  
633 West Fifth Street  
Suite 4700  
Los Angeles, CA 90071-2066

Tel. No. (213) 489-1600



Signature of Principal Attorney or Agent of Record

Michael L. Goldman  
Reg. No. 30,727  
Nixon, Hargrave, Devans & Doyle LLP  
Clinton Square, P.O. Box 1051  
Rochester, NY 14603  
Phone (716) 263-1634  
Fax (716) 263-1600

Registration Number & Address of Principal Attorney or Agent of Record

Dated: July 15, 1999

I certify that this document is being deposited on [redacted] with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

PATENT

Attorney's Docket No. 19603/1172 (CRF D-1912B)

Applicant or Patentee: NEIL H. BANDER  
Serial or Patent No.: 08/838,682  
Filed or Issued: April 9, 1997  
For: TREATMENT AND DIAGNOSIS OF PROSTATE CANCER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (F) AND 1.27(d))–NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION CORNELL RESEARCH FOUNDATION, INC.  
ADDRESS OF ORGANIZATION 20 Thornwood Drive, Suite 105  
Ithaca, New York 14850

**TYPE OF ORGANIZATION**

\* UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and 501 (c)(3))  
 NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and (501 (c)(3))) IF LOCATED IN THE UNITED STATES OF AMERICA  
 WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

TREATMENT AND DIAGNOSIS OF PROSTATE CANCER

by inventor(s) Neil H. Bander

described in

the specification filed herewith.  
 application serial no. 08/838,682, filed April 9, 1997  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING H. Walter Haeussler  
TITLE IN ORGANIZATION President  
ADDRESS OF PERSON SIGNING 20 Thornwood Drive, Suite 105  
Ithaca, New York 14850

SIGNATURE H. Walter Haeussler Date July 9, 1997

\* Cornell Research Foundation, Inc., is a Corporation which is wholly owned by Cornell University handling Patents and Licensing.

PATENT  
242/026  
(DIV 3 OF '682)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Neil H. Bander ) Group Art Unit: 1642  
Serial No.: Not yet assigned )  
Filing Date: Herewith )  
(Divisional of Serial No. 08/838,682 )  
Filed on April 9, 1997 )  
For: TREATMENT AND DIAGNOSIS OF )  
PROSTATE CANCER )

---

**STATEMENT OF LOIS M. KWASIGROCH**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby certify, as applicant's undersigned attorney, that the deposits listed on page 30 of the present application and having ATCC Designation Nos. HB-12101 ("E99"); HB-12109 ("J415"); and HB-12127 ("J533") and HB-12126 ("J591"), were made pursuant to the Budapest Treaty on May 2, 1996, May 30, 1996, and June 6, 1996, respectively, and that all restrictions imposed by the depositor on the availability to the public of the deposited materials will be irrevocably removed as of the issue date of the above-identified patent application as a patent,

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CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL199138795US  
Express Mail Label No.

July 20, 1999  
Date of Deposit

LA-100694.1

Felicia Reyes  
Name of Person Mailing Paper  
Felicia Reyes  
Signature of Person Mailing Paper

PATENT  
242/026  
(DIV 3 OF '682)

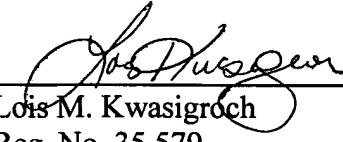
and that the deposits will be replaced if viable samples cannot be dispensed by the depository.

Copies of the ATCC deposit receipts are attached.

Respectfully submitted,  
LYON & LYON LLP

Dated: 7/20/99

By:

  
Lois M. Kwasigroch  
Reg. No. 35,579

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY

(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
19603/1172 (CRF D-1912B)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TREATMENT AND DIAGNOSIS OF PROSTATE CANCER

the specification of which (check only one item below):

[ ] is attached hereto.

[X] was filed as United States application  
Serial No. 08/838,682  
on April 9, 1997  
and was amended  
on \_\_\_\_\_ (if applicable).

[ ] was filed as PCT international application  
Number \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (IF PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
US	60/016,976	6 May 1996	[X] YES [ ] NO
US	60/022,125	18 July 1996	[X] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
**19603/1172 (CRF D-1912)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Michael L. Goldman, Registration No. 30,727, Peter Rogalskyj, Registration No. 38,601

Send Correspondence to: Michael L. Goldman, Esq. Nixon, Hargrave, Devans & Doyle LLP Clinton Square, P.O. Box 1051 Rochester, New York 14603		Direct Telephone Calls to: Michael L. Goldman (716) 263-1304
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201	FULL NAME OF INVENTOR	FAMILY NAME Bander	FIRST GIVEN NAME Neil	SECOND GIVEN NAME H.
	RESIDENCE & CITIZENSHIP	CITY Chappaqua	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	P.O. ADDRESS 2 Hemlock Hills	CITY Chappaqua	STATE & ZIP CODE/CTRY New York 10514/USA
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>M. Bander</i>	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE <i>7/2/97</i>	DATE	DATE